

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

572J0542

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 145 - 02/05/2004

Introduced by: Senators Koetzle, Abdallah, and Kloucek and Representatives LaRue, Miles, Nesselhuf, and Thompson

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding pensions allowed
2 firefighters for impairment caused by cancer.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 9-16-3.3 be amended to read as follows:

5 9-16-3.3. A pension ~~may~~ shall be allowed pursuant to § 9-16-3.2 for any condition of
6 impairment of health caused by primary brain cancer, malignant melanoma, leukemia, multiple
7 myeloma, non-Hodgkin's lymphoma, bladder cancer, ureter cancer, and kidney cancer resulting
8 in total or partial disability to an officer or member of a fire department who has served at least
9 five years, and who, upon entering such service or after employment, successfully passed a
10 physical examination which failed to reveal any evidence of such condition. This section
11 pertains solely to pension matters under this chapter and does not restrict a claimant's ability to
12 file for benefits under chapter 62-8 or change the burden of proof established in § 62-8-12. Any
13 total disability allowance provided by this section shall be equal to seventy-five percent of the
14 highest annual compensation earned in any of the previous three years immediately preceding
15 the date of the disability.

